
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 182

**The Adoptions with a Foreign
Element (Scotland) Regulations 2009**

PART 2

**BRINGING CHILDREN INTO, AND TAKING
CHILDREN OUT OF, THE UNITED KINGDOM**

CHAPTER 2

TAKING CHILDREN OUT OF THE UNITED KINGDOM

Application of the Act in respect of orders under section 59

9.—(1) Subject to paragraphs (2), (3) and (4) the provisions of Chapter 2 of Part 1 of the Act, as they relate to adoption orders, apply to orders under section 59 of the Act so far as the nature of the provision permits and unless the contrary intention is shown.

(2) The following provisions of the Act which relate to adoption orders apply to orders under section 59 of the Act subject to the following:—

- (a) in section 28, omit subsections (1), (3), (4), (5) and (6);
- (b) in section 29, omit subsections (1)(c) and (2); and
- (c) in section 30, omit subsections (1)(c), (3)(d) and (6).

(3) For the purposes of section 14(1) of the Act, a court considering an application for an order under section 59 in respect of a child is to be treated as a court coming to a decision relating to the adoption of a child.

(4) The following provisions of Chapter 2 of Part 1 of the Act do not apply to orders under section 59 of the Act:—

- (a) section 15;
- (b) section 21;
- (c) section 22;
- (d) section 24;
- (e) section 25;
- (f) section 26;
- (g) section 34.

(5) Sections 53 to 55 and paragraphs 1 to 4 of schedule 1 to the Act, as they relate to adoption orders, apply to orders made under section 59 of the Act as if—

- (a) in each place where the words “adoption order” appear there were substituted “order under section 59”;

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- (b) in each place where the words “adopted person” appear there were substituted “person subject to an order made under section 59”;
- (c) in section 55(1) and paragraph 3 of schedule 1 where the words “Adopted” appear there were substituted “Proposed foreign adoption”; and
- (d) in paragraph 3 of schedule 1 where the words “Re-adopted” appear there were substituted “Proposed foreign re-adoption”.